

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Fernando Torres, Jr.)

CRIMINAL COMPLAINT

CASE NUMBER: 17-7474 MJ

CRIMINAL COMPLAINT

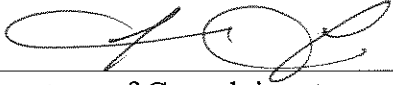
I, Fernando A. Torres, state that the following is true to the best of my knowledge and belief.

On or about September 11, 2017, in the District of Arizona, the defendant, FERNANDO TORRES, JR., knowingly and intentionally possessed with intent to distribute fifty kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C).

See Attached Statement of Probable Cause Incorporated By Reference Herein.

REVIEWED BY: AUSA Jonathan R. Hornok for AUSA Ryan Goldstein.



Signature of Complainant

Fernando A. Torres

Special Agent, Drug Enforcement Administration

Sworn to before me and subscribed in my presence, September 12, 2017, at Phoenix, Arizona.



Signature of Judicial Officer

Honorable Bridget Bade

United States Magistrate Judge

STATEMENT OF PROBABLE CAUSE

I, Fernando A. Torres, upon oath do hereby depose and say:

1. I am a Special Agent with the Drug Enforcement Administration (DEA), and have been in law enforcement since 2013. I am currently assigned to the DEA office in Phoenix, Arizona. I have received formal training in drug investigations and the enforcement of federal drug laws at the DEA Academy in Quantico, Virginia. My duties are to investigate violations of Title 21 of the United States Code and other federal law violations. Prior to holding my current position, I was employed with the Glendale and Payson Police Departments.

2. In this affidavit, I have included information derived from my own personal knowledge and the personal knowledge and observations of other sworn law enforcement officers, specifically agents from the United States Border Patrol. I have set forth only those facts that I believe are necessary to establish probable cause for the arrest of Fernando TORRES, Jr.

3. On September 11, 2017, Border Patrol Agents (BPA) were operating a U.S. Border Patrol Checkpoint near mile marker 18 on State Route 85, located in Maricopa County, in the state of Arizona. At approximately 6:30 p.m., a maroon 2015 Nissan Altima approached the checkpoint from the south as BPA John T. Turney was conducting operations in the primary inspection lane. The vehicle was occupied by two people; the driver was later identified as Fernando TORRES, Jr. Because TORRES's demeanor and statements aroused BPA Turney's suspicions, BPA Turney asked TORRES for consent to

perform a canine sniff of the vehicle. TORRES agreed by replying, "Yes." TORRES drove the 2015 Nissan over to the secondary inspection area. Again, BPA Turner asked TORRES for consent to perform a canine sniff, and TORRES gave consent. BPA Turner deployed his canine partner, K-9 Tarzan. K-9 Tarzan is certified in detecting the odor of various drugs, including marijuana. K-9 Tarzan alerted to the presence of contraband in the trunk of the 2015 Nissan.

4. BPA Turney asked TORRES if he had been in control of the vehicle during the trip. TORRES stated they parked the vehicle by the border and walked into Mexico to eat. BPA Turner asked TORRES if anyone had given them anything to bring north, and TORRES replied, "No." BPA Turner asked TORRES if he was responsible for everything in the 2015 Nissan, and TORRES replied, "Yes." BPA Turner asked TORRES for consent to search the vehicle, and TORRES consented to the search.

5. BPA Turney opened the trunk of the 2015 Nissan and located a camouflage make-shift backpack containing rectangular bundles wrapped in brown cellophane tape. BPA Turner found six total bundles containing a green-leafy-substance which field tested positive for the characteristics of marijuana utilizing the NarcoPouch 909 KN Reagent System. The six bundles of marijuana weighed approximately 66.17 kilograms.

6. Later that evening, BPA Matt Rygg read TORRES his Miranda rights. TORRES stated he understood the Miranda warnings and agreed to willfully answer questions. TORRES said he was contacted by a friend who asked TORRES if he was interested in "making some money." TORRES accepted the offer. TORRES was then

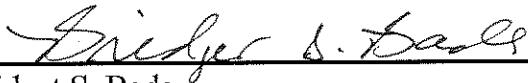
instructed to drive to Puerto Penasco, Mexico. TORRES knew he would be smuggling drugs and would receive payment upon delivery. TORRES borrowed a car and drove to Puerto Penasco. When TORRES arrived in Puerto Penasco, he was instructed to cross back into the United States. Once in the United States, TORRES drove approximately one mile north on SR 85, and then turned down a dirt road where he pulled over on the side of the road. After pulling over, several men loaded multiple bundles into the trunk of TORRES's car. TORRES was instructed that after clearing all of the Border Patrol checkpoints, he would receive an address for delivering the bundles.

7. Based on the above facts, I believe that there is probable cause to believe that Fernando TORRES Jr. violated Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(C), Possession with Intent to Distribute fifty kilograms or more of a mixture or substance containing Marijuana.



Fernando A. Torres, Special Agent
U.S. Drug Enforcement Administration

Sworn to and subscribed before me
this 12th day of September 2017.



Bridget S. Bade
United States Magistrate Judge